

**Cover Page for the Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity**

Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity – The Establishment for the Authority

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Charge for the Violation of the Affiant's Rights for the Mandamus Titled: Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity

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- A: Dr. Brian Gross' recommendation to OMAP dated July 14, 2009
- B: Dr. Brian Gross' recommendation to OMAP dated August 11, 2010
- C: Dr. Brian Gross' recommendation to OMAP dated March 9, 2011
- D: Dr. Brian Gross' recommendation to OMAP dated January 1, 2013
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- 23 Paragraphs
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**Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity**

**The Establishment for the Authority**

Article 1: I, Henry Shivley, present physical domain, 419 Ash Street, Chiloquin, Oregon, am the affiant for this document, titled: Writ for the Order for the Mandamus for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity, as affirmed by the affiant.

Article 2: Affiant states that affiant is the free sovereign national for the united States of the Americas, as affirmed by the affiant.

Article 3: Affiant states that affiant is not the 14<sup>th</sup> Amendment citizen subject to the government for the United States of America, incorporated, as affirmed by the affiant.

Article 4: Affiant states that affiant is the absolute beneficiary for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as affirmed by the affiant.

Article 5: Affiant states the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, consists of ten Articles, as affirmed by the affiant.

Article 6: Affiant states the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, is absolute law that can never be altered, as affirmed by the affiant.

Article 7: Affiant states Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, declares absolute that no authority can be created by the Constitution for the united States of the Americas, ratified December 15, 1791 to deny or disparage any of the rights for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as affirmed by the affiant.

Article 8: Affiant states Article the 10 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, declares that the prohibitions for the federal Constitution extends to the states, as affirmed by the affiant.

Article 9: Affiant states that the only authority that can take jurisdiction over the affiant must be through the procedural due process described in the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, and only within the jurisdiction for the common law court for the which can only be empowered by the personal jurisdiction for the American sovereign national in the sovereign national's private capacity, as affirmed by the affiant.

Article 10: Affiant states that Article the 7 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, declares as absolute in suits at common law where the value in controversy shall exceed twenty dollars the right of trial by the jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the united States than according to the rules of the common law, as affirmed by the affiant.

Article 11: Affiant states that the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, is the common law, as affirmed by the affiant.

Article 12: Affiant states that the common law by the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, is the supreme law for the united States of the Americas, as affirmed by the affiant.

Article 13: Affiant states that the common law jury is the only decider for the fact for the common law for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as affirmed by the affiant.

**Charge for the Violation of the Affiant's Rights for the Mandamus Titled: Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity**

Article 1: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, is in violation of the absolute law for the Bill of the Rights, ratified December 15, 1791, for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 2: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, for the participation in and the creation of inter-governmental contracts that proclaim an authority over the affiant, apart from the common law, as charged by the affiant.

Article 3: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 4: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 10 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 5: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 1 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 6: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 2 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 7: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 3 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 8: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 4 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 9: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 5 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 10: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 6 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 11: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 7 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

Article 12: On the September 17, 2018 and continuing, affiant charges Zeke Smith in Zeke Smith's private capacity, working in tandem and cooperation with criminal usurpers for the United States, incorporated, with the violation of the Article the 8 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as charged by the affiant.

**Statement of the Facts for the Mandamus Titled: Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity**

Article 1: Affiant states that the authority for the every contract in the united States of the Americas derives ultimate authority from the Constitution for the united States of the Americas, ratified December 15, 1791, as affirmed by the affiant.

Article 2: Affiant states that Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, states "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.", as affirmed by the affiant.

Article 3: Affiant states that no contract can be created to deny or disparage the absolute rights for the affiant guaranteed by the absolute law by the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as affirmed by the affiant.

Article 4: Affiant states that the any contract asserting the notion of the any authority in violation of Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, is prohibited by the absolute law that is the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, and is null and void, as affirmed by the affiant.

Article 5: Affiant states that Article the 10 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, states "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.", as affirmed by the affiant.

Article 6: Affiant states that the states chartered under the authority of the Constitution for the united States of the Americas, ratified December 15, 1791, are prohibited by Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, from creating the any authority that disparages or denies the absolute rights retained by the affiant, as affirmed by the affiant.

**Definitions for the Mandamus Titled: Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity**

1. Writ of Mandamus: a writ which orders a public agency or governmental body to perform an act required by law when it has neglected or refused to do so (Source: Black's Law Dictionary, 6<sup>th</sup> Edition).
2. Enumeration, as cited for Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791: to reckon or name singly; count; number (Source: The Winston Dictionary).
3. Rights, as cited for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791: powers of free action (Source: Black's Law Dictionary, 6<sup>th</sup> Edition).
4. Tandem: one behind another (Source: The Winston Dictionary).
5. Unalienable: cannot be taken away or denied (Source: Webster Dictionary)

Sep. 17 2010 5:03PM

No. 6569 P. 8

Exhibit A



520 Medical Center Drive, Suite 200, Medford OR 97504  
PHONE 541.930.7222 FAX 541.930.7220

520 SW Ramsey Avenue, Suite 204, Grant Pass OR 97527  
PHONE 541.930.7223 FAX 541.930.7221

Jon Brower MD FACC  
Kent Dauterman MD FACC  
Timo Dygert MD  
Nathan Funk MD FACC  
Brian Gross MD FACC  
Miruella Hamed MD FACC  
Jaekyoung Hong MD FACC RPVI  
Mark Huth MD FACC  
Todd Kotler MD FACC  
Junyang Lou MD PhD RPVI  
David Martin MD FACC

Mark Moran MD FACC  
Brian Morrison MD FACC  
Kaval Patel, MD  
Bruce Patterson MD FACC  
Eric Pena MD FACC  
Brad Personius MD FACC  
J. Jason West MD FACC  
Thomas Norby MS FNP AACC  
Linda Plerson, FNP  
Lakiesha Sheaffer, FNP

Reprinted from Electronic Medical Record - Created on 07/23/09 11:36:58  
Patient: SHIVLEY, HENRY MR No.: 1184 DOB: 08/07/1961  
\*\*\*\*\*

Date: July 14, 2009

OMAP - Medical Directory Unit  
Oregon Health Plan

RE: Shivley, Henry  
DOB: 8/7/1961

Dear Sir:

It would be my strongest recommendations that Mr. Shivley remain on an open card so that he can optimally get his anticoagulation status stabilized long term to prevent complications related to inadequate anticoagulation control. He is status post Carbomedics mechanical 25-mm aortic valve for endocarditis many years ago and requires long-term permanent anticoagulation that at times can be difficult to stabilize because of concurrent medical issues. Given his financial difficulties, a lack of consistent control could lead to devastating and expensive medical complications. If he is faithfully and reliably getting his anticoagulation treated, then the likelihood of catastrophic events is dramatically reduced.

Appreciatively,

BRIAN W. GROSS, MD, FACC  
BWG/pab

Electronically signed by Brian Gross, MD 07/31/2009 09:24:01

Sep. 17. 2010 5:08PM

No. 6569 P. 7

Exhibit B



520 Medical Center Drive, Suite 200, Medford OR 97504  
PHONE 541.930.7222 FAX 541.930.7220

520 SW Ramsey Avenue, Suite 204, Grant Pass OR 97527  
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Nathan Funk MD FACC  
Brian Gross MD FACC  
Miruais Hamed MD FACC  
Jaekyoung Hong MD FACC RPVI  
Mark Huth MD FACC  
Todd Kotler MD FACC  
Junyang Lou MD PhD RPVI  
David Marth MD FACC

Mark Moran MD FACC  
Brian Morrison MD FACC  
Keval Patel, MD  
Bruce Patterson MD FACC  
Eric Pena MD FACC  
Brad Personius MD FACC  
J. Jason West MD FACC  
Thomas Norby MS FNP AACC  
Linda Pierson, FNP  
Lakiesha Sheaffer, FNP

Reprinted from Electronic Medical Record - Created on 08/23/10 13:53:01  
Patient: SHIVLEY, HENRY MR No.: 1184 DOB: 08/07/1961  
\*\*\*\*\*

Date: August 11, 2010

OMAP - Medical Directory Unit  
Oregon Health Plan

RE: Shivley, Henry  
DOB: 08/07/1961

Dear Sir:

It would be my strongest recommendation that Mr. Shivley remain on his Oregon Health Plan open card so that we can continue to manage his medical condition, which includes a Carbomedics mechanical aortic valve that was placed for endocarditis many years ago. He needs periodic anticoagulation and adjustments of his medications.

Sincerely,

BRIAN W. GROSS, MD, FACC  
BWG/ccn

Electronically signed by Brian Gross, MD 08/28/2010 08:42:33

Sep. 17. 2010 5:07PM  
Exhibit C

No. 6569 P. 5



520 Medical Center Drive, Suite 200, Medford OR 97504  
PHONE 541.930.7222 FAX 541.930.7220

520 SW Ramsey Avenue, Suite 204, Grant Pass OR 97527  
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Miruats Hamed MD FACC  
Jaekyoung Hong MD FACC RPVI  
Mark Huth MD FACC  
Todd Kotler MD FACC  
Junyang Lou MD PhD RPVI  
David Martin MD FACC

Mark Moran MD FACC  
Brian Morrison MD FACC  
Kaval Patel, MD  
Bruce Patterson MD FACC  
Eric Pena MD FACC  
Brad Personius MD FACC  
J. Jason West MD FACC  
Thomas Norby MS FNP AACC  
Linda Pierson, FNP  
Lakiesha Sheaffer, FNP

Reprinted from Electronic Medical Record - Created on 03/09/11 07:29:45  
Patient: SHIVLEY, HENRY MR No.: 1184 DOB: 08/07/1961  
\*\*\*\*\*

Date: March 09, 2011

OMAP Medical Directory Unit  
Oregon Health Plan

RE: Shivley, Henry  
DOB: 08/07/1961

Dear Sirs:

It would be my strongest recommendation that Mr. Shivley remain on an open card so that he can optimally get his medical care and anticoagulation status stabilized long term to prevent complications related to inadequate anticoagulation control. He is status post Carbomedics mechanical 25-mm aortic valve for endocarditis many years ago and requires long-term permanent anticoagulation that at times can be difficult to stabilize because of concurrent medical issues. Given his financial difficulties, a lack of consistent control could lead to devastating and expensive medical complications. If he is faithfully and reliably getting his anticoagulation treated, then the likelihood of catastrophic events is dramatically reduced.

Appreciatively,

BRIAN W. GROSS, MD, FACC  
BWG/ccn

Electronically signed by Brian Gross, MD 03/13/2011 07:50:49



Sep. 17. 2018 5:06PM

No. 6569 F. 4

Exhibit D



520 Medical Center Drive, Suite 200, Medford OR 97504  
PHONE 541.930.7222 FAX 541.930.7220

520 SW Ramsey Avenue, Suite 204, Grant Pass OR 97527  
PHONE 541.930.7223 FAX 541.930.7221

Jon Brower MD FACC  
Kent Dauterman MD FACC  
Timo Dygert MD  
Nathan Funk MD FACC  
Brian Gross MD FACC  
Miruats Hamed MD FACC  
Jaekyoung Hong MD FACC RPMI  
Mark Huth MD FACC  
Todd Kotler MD FACC  
Jonyang Lou MD PhD RPMI  
David Martin MD FACC

Mark Moran MD FACC  
Brian Morrison MD FACC  
Kaval Patel, MD  
Bruce Patterson MD FACC  
Eric Pene MD FACC  
Brad Personius MD FACC  
J. Jason West MD FACC  
Thomas Norby MS FNP AACC  
Linda Pierson, FNP  
Lakiesha Sheaffer, FNP

Reprinted from Electronic Medical Record - Created on 01/02/13 11:53:36  
Patient: SHIVLEY, HENRY MR No.: 1184 DOB: 08/07/1961  
\*\*\*\*\*

Date: January 1, 2013

Patient: Shivley, Henry  
DOB: 8/7/1961  
MRN: 1184

To Whom It May Concern:

OMAP Medical Director Unit  
Oregon Health Plan

I am the cardiologist who cares for Mr. Shivley and I would strongly recommend that he remain on the open card, so that we can optimally try to manage his anticoagulation that is necessary for his mechanical aortic valve replacement that was surgically placed many years ago following an episode of endocarditis. Given his multiple medical problems and financial difficulties, if he runs into increased problems getting anticoagulation and other medical treatment, he could wind up with very serious catastrophic cardiovascular and hemodynamic effects. These have been discussed with him at length and he understands that.

Appreciably,

Brian Gross, MD  
BG/irak/ipmd/pfsj

Electronically signed by Brian Gross, MD 09/16/2013 15:02:27

Sep. 17, 2016 5:06PM

No. 6569 P. 3

Exhibit E



520 Medical Center Drive, Suite 200, Medford OR 97504  
PHONE 541.930.7222 FAX 541.930.7220

520 SW Ramsey Avenue, Suite 204, Grant Pass OR 97527  
PHONE 541.930.7223 FAX 541.930.7221

Jon Brower MD FACC  
Kent Dauterman MD FACC  
Timo Dygert MD  
Nathan Funk MD FACC  
Brian Gross MD FACC  
Miruells Hamed MD FACC  
Jaekyoung Hong MD FACC RPVI  
Mark Huth MD FACC  
Todd Kotler MD FACC  
Junyang Lou MD PhD RPVI  
David Martin MD FACC

Mark Moran MD FACC  
Brian Morrison MD FACC  
Keval Patel, MD  
Bruce Patterson MD FACC  
Eric Pena MD FACC  
Brad Personius MD FACC  
J. Jason West MD FACC  
Thomas Norby MS FNP AACC  
Linda Pierson, FNP  
Lakiesha Sheaffer, FNP

Reprinted from Electronic Medical Record - Created on 10/26/16 08:48:10  
Patient: SHIVLEY, HENRY MR No.: 1184 DOB: 08/07/1961  
\*\*\*\*\*

Date October 26th 2016

Patient: Shivley, Henry  
DOB: 8/7/1961  
MRN: 1184

To Whom It May Concern:

OMAP Medical Director Unit  
Oregon Health Plan

I am the cardiologist who cares for Mr. Shivley and I would strongly recommend that he remain on the open card, so that we can optimally try to manage his anticoagulation that is necessary for his mechanical aortic valve replacement that was surgically placed many years ago following an episode of endocarditis. Given his multiple medical problems and financial difficulties, if he runs into increased problems getting anticoagulation and other medical treatment, he could wind up with very serious catastrophic cardiovascular and hemodynamic effects. These have been discussed with him at length and he understands that.

Appreciably,

Brian Gross, MD  
BG/irak/ipmd/pfsj

Exhibit F page 2 of 4

DIVISION OF MEDICAL ASSISTANCE PROGRAMS  
Medical Management Unit



Kate Brown, Governor

October 27, 2016

Shivley, Henry  
PO BOX 964  
CHILOQUIN, OR 97624

500 Summer Street NE, E44  
Salem, OR 97301-1077  
Voice (800) 642-8635  
Fax (503) 945-6548  
TTY (800) 375-2863

ID# AC69107A

Dear Henry,

The Medical Assistance Programs (MAP) for the Oregon Health Authority received your letter of request for disenrollment from managed care Coordinated Care Organization) to open card fee for service on 10/27/2016.

The letter submitted to MAP does not meet Oregon Administrative Rule criteria for exemption from the Coordinated Care Organization (CCO), a partner with Oregon Medicaid. The CCO Cascade Health Alliance is able to serve your needs as a Medicaid client. Please contact the CCO and discuss with them any concerns you may have with your physical, mental or dental health issues and to coordinate your services at 541-883-2947. The Coordinated Care Organization will be able to assist you in obtaining providers in your new area. **You may also ask your new physician for a referral to see your cardiologist in Medford, Dr. Brian Gross as they can refer you outside their panel of providers.**

I had called Southern Oregon Cardiology and asked them if they would see patients that are enrolled with Cascade Health Alliance and they do have that ability with a referral in place.

**OAR's 410-141-0080 (2) (b) (iii), 410-141-3080, 410-141-3060 (7)**

You may obtain a copy of the Oregon Health Plan Administrative Rules @ <http://www.dhs.state.or.us/policy/healthplan/guides/main.html>.

If you do not agree with this decision, you have the right to a hearing in accordance with Oregon Administrative Rules **410-141-0264, 410-120-1860 through 410-120-1865** (see attached Notice of Hearings Rights). You must ask for the hearing **within 45 days** from the date of this letter. You may obtain the Administrative Hearing Request from your local Department of Human Services (DHS) office. A worker at the local



Exhibit F page 2 of 4

DHS office may assist you in completing the hearing request form. You may contact your worker if you need this notice in a larger font size or different format.

Sincerely,  
Caroline Price RN

A handwritten signature in black ink, appearing to read "Caroline Price RN", with a large, sweeping flourish at the end.

Provider Clinical Support Unit,  
Health Systems Division

## NOTICE OF HEARING RIGHTS

If you do not agree with a decision made on your request for OHP/Medicaid services, you have the right to ask for a hearing. You may ask for a hearing through any local DHS branch office. If you do not have a caseworker/case manager, contact OHP Customer Service at 1-800-699-9075 or TTY 711.

The hearing will be held before an impartial person called an Administrative Law Judge (ORS Chapter 183). At the hearing, you can explain why you do not agree with the decision made in your case. You can have a lawyer or someone else assist you with the hearing. We cannot pay for the cost of a lawyer; however, you may try the following options:

- Call the Public Benefits Hotline (a program of Legal Aid Services of Oregon and the Oregon Law Center) at 1-800-520-5292 for advice and possible representation.
- You also may be able to get free or reduced-cost legal services through your local Bar Association.

**If you are enrolled in a managed care health plan or dental plan you may request a hearing after receiving a Notice of Action or Notice of Appeal Resolution by completing an Administrative Hearing Request form (DHS 443) and returning it to DMAP or any DHS branch office WITHIN 45 DAYS from the date of the decision notice. Please include a copy of the decision notice when submitting your request for hearing.**

**If you are an open card (fee-for-service) client,** you may request a hearing by completing an Administrative Hearing Request form (DHS 443) and returning it to DMAP or any local DHS branch office WITHIN 45 DAYS from the date of the decision notice. Please include a copy of the decision notice when submitting your request for hearing.

**If you have an urgent medical problem that cannot wait for a regular hearing, you can ask for an Expedited Fair Hearing.** The DMAP Medical Director will review your medical records and decide if your medical problem cannot wait for the regular hearing process.

**If you want your benefits to remain the same** while waiting for the outcome of the hearing, you must submit the completed DHS 443 form by the date of action or WITHIN 10 DAYS of the date of the decision notice. You may have to repay the cost of the service if the hearing decision is in favor of the agency.

Exhibit F page 4 of 4

**If you ask for a hearing, DMAP will let you know the time and place of the hearing.** Before the hearing date, you will also receive information about hearing procedures, your right to representation, and other rights related to the hearing.

**If you do not ask for a hearing on time, or if you withdraw your hearing request or miss your hearing, without having a good reason, you may lose your right to have a hearing.** This notice and decision will be your final order by default. The case file, along with any materials you submitted in this matter, is the record. The record is used for proving a prima facie case upon default. No separate order by default will be issued. You may appeal the final order by default under ORS 183.482 if you file a petition in the Oregon Court of Appeals.

**NOTE TO MILITARY PERSONNEL:** Active duty service members have a right to stay (delay) these proceedings under the federal Servicemembers Civil Relief Act (SCRA). For more information, you may contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 1-800-452-7500, or the nearest legal assistance office, <http://legalassistance.law.af.mil>.

**Hearing Request forms may be sent to:**

Division of Medical Assistance Programs  
Attention: Hearings Unit  
500 Summer St. NE, E49  
Salem, OR 97301-1079

**The following statutes and rules may apply to your case:**

<b>Oregon administrative rules:</b>	<b>410-120-1210 – Medical Assistance Benefit Packages</b>
	<b>410-141-0480 – Covered Services</b>
	<b>410-141-0500 – Excluded Services</b>
	<b>410-141-0520 – Prioritized List of Health Services</b>
	<b>410-120-1200 – Excluded Services</b>
	<b>410-120-1860 – Client Appeals</b>
	<b>410-141-0264 – Contested Case Hearings</b>
	<b>410-141-3264 – Contested Case Hearings</b>
<b>Oregon revised statutes:</b>	<b>183.415(2)(b) – Notice of Right to Hearing</b>

Exhibit G page 1 of 5



**Cascade Health Alliance, LLC**

**HENRY SHIVLEY**

**PO BOX 964**

**Chiloquin, OR 97624**

**Auth #: V180828023**

**PCP: DEBRA HARTLEY**

**Effective Date: 9/11/2018**

**Date of Notice: 9/11/2018**

**Member ID: AC69107A**

**Request Date: 8/28/2018**

**Notice of Action  
Benefit Denial**

Dear Mr. SHIVLEY,

On 8/28/2018, BRIAN GROSS asked us to cover Exam(D0140) and x-rays(D0330) for tooth pain with JAMES SAVAGE. The Oregon Health Plan (OHP) does not cover all services and supplies.

After careful review of this request, we are unable to pay for it under the Oregon Health Plan because dental necessity is not evident from the documentation provided. We have told your provider.

Qty Req'd	Qty Approved	Code	Description	Modifier	Determination
1	0	99205	OFFICE/OUTPATIENT VISIT NEW		Void
3	0	99215	OFFICE/OUTPATIENT VISIT EST		Void
1	0	D0140	LIMIT ORAL EVAL PROBLM FOCUS		Denied
1	0	D0330	DENTAL PANORAMIC FILM		Denied

We based our decision on Oregon Administrative Rule(s) (OARs): The item is not shown to be the lowest cost option. This means the best treatment at the best cost that will meet member's medical needs. OAR 410-120-1320 (2), OAR 410-120-0000 (62)(63), 410-141-0120(5)(7).

**Copies of paperwork**

You can ask us for a free copy of all paperwork used to make this decision. Member Services 541-883-2947, Relay 711, Monday through Friday 8 AM to 5 PM

**Things you can do if you disagree with this Notice of Action:**

If you disagree with our decision, you have the right to ask us to change it. You can do this by requesting an Appeal. We must receive your request within 60 days from 9/11/2018.

Once you get the appeal decision, if you do not agree, you may ask for a hearing. You must do so within 120 days from the "Date of Notice" on the Notice of Appeal Resolution. See the enclosed *Denial of Medical Services - Appeal and Hearing Request* form for more information about Appeals and Hearings. The form has instructions for requesting both.

**Continuing Services**

To keep getting the service(s) while you wait for your Appeal or Hearing:

- You must have already been receiving the service before it was denied, **AND**
- Check Box 8 on the enclosed *Denial of Medical Services - Appeal and Hearing Request* form, **AND**
- Ask for an Appeal and/or Hearing **within 10 days** from 9/11/2018 or 9/11/2018 shown on this Notice of Action, whichever is later
- Ask OHA for a Hearing **within 10 days** from the "Date of Notice" on your Notice of Appeal Resolution. You can only ask for a hearing after your appeal is complete.

**You may have to pay for services you get after 9/11/2018 if:**

- We do not change our decision or
- The hearing judge supports our decision.

**Expedited (fast) requests**

You or your provider can ask for an expedited (fast) appeal. Either of you can do so if waiting for a regular appeal could put your life, health or ability to function in danger. A nurse or doctor will review your request and decide within 72 hours if your condition needs an expedited appeal or hearing.

**Other things you can do**

You can do other things besides requesting an appeal or hearing. See page 4 of the enclosed *Denial of Medical Services - Appeal and Hearing Request* for more information.

**Questions?**

If you get a bill for this service or if you have questions, please contact Member Services at:

- Phone: 541-883-2947, Relay 711, Monday through Friday 8 AM to 5 PM
- Fax: 541-885-9858
- Mail: Cascade Health Alliance, 2909 Daggett Ave Suite 225, Klamath Falls, OR 97601



## **Important Information**

### **Denial of service or treatment**

Your health care provider recently asked us to cover a service or treatment. We have denied this request. You can ask us to change our decision. We must receive your request within 60 days from the "Date of Notice" on the enclosed notice.

Please call us at the phone number on the enclosed Notice right away for either reason below.

- You do not understand the notice.
- You need the notice in large print, or a different format or language. An interpreter will translate the document at no cost to you.

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## **Información importante**

### **Denegación de servicio o tratamiento**

Recientemente, su proveedor de atención de salud nos pidió que cubriéramos un servicio o tratamiento. Hemos rechazado esta solicitud. Puede pedirnos que cambiemos nuestra decisión. Debemos recibir su solicitud en un plazo de 60 días a partir de la "Fecha del aviso" (Date of Notice) en el aviso adjunto.

Llámenos de inmediato al número telefónico incluido en el aviso adjunto por cualquiera de las siguientes razones.

- Usted no entiende el aviso.
- Necesita el aviso en letra grande o en un formato o idioma diferente. Un traductor traducirá el documento sin costo alguno para usted.

## **Spanish**

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## **Важная информация**

### **Отказ в предоставлении оплаты за обслуживание или лечение**

Не так давно ваш поставщик медицинских услуг попросил нас покрыть расходы за предоставленное обслуживание или лечение. Мы ответили отказом на этот запрос. У вас есть право попросить нас пересмотреть наше решение. Мы должны получить ваш запрос в течение 60 дней с «даты уведомления» (Date of Notice), указанной в прилагаемом уведомлении.

Пожалуйста, незамедлительно позвоните нам по номеру телефона, указанному в прилагаемом уведомлении, по любой из перечисленных ниже причин.

- Вам непонятно содержание этого уведомления.
- Вы желаете получить уведомление, напечатанное крупным шрифтом, в другом формате или на другом языке. Услуги по переводу этого документа будут предоставлены вам бесплатно.

## **Russian**



Agency Use Only		
Program	Branch	Case Number

## Denial of medical services Appeal and hearing request

Complete pages 1 and 2 of this form. Return the form as listed on page 2.

**The person who completes this form (if other than the member) fills out this section:**

1. Name: \_\_\_\_\_ Phone number: \_\_\_\_\_
2. Relationship to member: \_\_\_\_\_ Date of request: \_\_\_\_\_

**Tell us about the member who received the service denial:**

3. Member name: \_\_\_\_\_ Client ID# \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP code: \_\_\_\_\_  
 Phone number: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 Social Security number\* (optional): \_\_\_\_\_  
 Spoken language: ☐ English ☐ Spanish ☐ Russian ☐ Vietnamese  
☐ Other: \_\_\_\_\_

Do you need written material in another format? ☐ Yes ☐ No

If yes, please specify: ☐ Cassette tape ☐ Large print ☐ CD ☐ Read aloud to you ☐ Braille

*\*The law allows the Oregon Health Authority to ask for your Social Security number (SSN). You can find these laws under 42 USC 1320b-7(a) and (b), 7 USC 2011-2036, 42 CFR 436.920, and 42 CFR 457.340(b). You are not required to give an SSN. If you do, OHA will use it only to help locate your file and records.*

4. Does the member have someone who will help with the appeal or hearing? Example: friend, family member, advocate, doctor or lawyer. *If you don't have one now, you can add a representative at any time before the appeal or hearing:*

- ☐ No
- ☐ Yes, name: \_\_\_\_\_  
 Address, City, State, ZIP: \_\_\_\_\_  
 Phone: \_\_\_\_\_

5. Check one of the following. Members of coordinated care organizations (CCOs) or plans can ask for both an appeal and a hearing, but the appeal must happen first. *See page 3 to learn more about appeals and hearings.*

- ☐ The member wants to appeal the CCO or plan decision. Attach a copy of the decision notice ("Notice of Action") from your CCO or plan.
- ☐ The member wants a hearing through the Oregon Health Authority (OHA).
- **For services denied by your CCO or plan:** Attach a copy of the *Notice of Appeal Resolution* from your CCO or plan.
  - **For services denied by OHA:** Attach a copy of the decision notice from OHA.

Exhibit G page 5 of 5

6. Did the member get the decision notice(s) in writing? Check one:

☐ Yes. Notice date(s):

☐ No

7. What service(s) received a denial? List them here.

8. Does the member get the service(s) now, and want to keep getting them during the appeal or hearing process?

☐ No

☐ Yes (read the Continuing Services section on page 4 of this form before checking this box)

9. Does the member need a faster appeal or hearing because waiting could put the member's life, health, or ability to function in danger?

☐ No

☐ Yes. Please explain how waiting may harm the member.

10. Tell us why there should be coverage for this service. You may also send documents and medical records to support your case.

11. Member signature (required for appeal requests)

Signature of member or member's legal representative

Date

**Send this form:**

■ For an appeal – To the member's CCO or plan at the address on the *Notice of Action*.

■ For a hearing

OHA-Medical Hearings  
500 Summer St NE E49  
Salem, OR 97301-1077

Fax: 503-945-6035

Exhibit H  
Sep. 17, 2018 5:05PM

No. 6567 7. 2



520 Medical Center Drive, Suite 200, Medford OR 97504  
PHONE 541.930.7222 FAX 541.930.7220

520 SW Ramsey Avenue, Suite 204, Grant Pass OR 97527  
PHONE 541.830.7223 FAX 541.930.7221

Jon Brower MD FACC  
Kent Dauterman MD FACC  
Timo Dygert MD  
Nathan Funk MD FACC  
Brian Gross MD FACC  
Miruail Hamed MD FACC  
Jaekyoung Hong MD FACC RPVI  
Mark Huth MD FACC  
Todd Kotler MD FACC  
Jonyang Lou MD PhD RPVI  
David Martin MD FACC

Mark Moran MD FACC  
Brian Morrison MD FACC  
Keval Patel, MD  
Bruce Patterson MD FACC  
Eric Pena MD FACC  
Brad Personius MD FACC  
J. Jason West MD FACC  
Thomas Norby MS FNP AACC  
Linda Pierson, FNP  
Lakiesha Sheaffer, FNP

Reprinted from Electronic Medical Record - Created on 09/13/18 09:02:19  
Patient: SHIVLEY, HENRY MR No.: 1184 DOB: 08/07/1961  
\*\*\*\*\*

September 12, 2018

RE: Shivley, Henry O  
DOB: 08/07/1961  
MRN: 1184

To Whom It May Concern:

I am the cardiologist who cares for Henry Shivley. He had an emergent aortic valve replaced back in 1995 for acute endocarditis and has done extraordinarily well in the interim. Artificial prosthetic valves have a propensity for becoming infected and that propensity can be significantly reduced. The appropriate dental care is vitally important that infected teeth and gingivitis and other gum situations be minimized to prevent infection of the artificial valve, which could have very serious and potentially catastrophic complications associated with it.

It is my strongest recommendation Mr. Shivley undergo an effective dental hygiene treatment and repair procedures with appropriate antibiotic coverage during these procedures to minimize worst outcomes in the future.

Sincerely,

Brian Gross, MD, FACC  
BG / lkb/ieas

**Conclusion for the Mandamus Titled: Writ for the Mandamus for the Order for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity**

1. The affiant states that affiant declares affiant's status as a sovereign national for the united States of the Americas.
2. Affiant understands that the Constitution for the united States of the Americas, ratified December 15, 1791, is subverted through acts of treason committed in the year 1868, in direct violation of Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.
3. Affiant understands that the 14<sup>th</sup> Amendment for the fraudulent corporate constitution for the United States of America, incorporated, is a fraud, designed to usurp the authority of the affiant and make affiant subject to an authority that cannot exist, as declared by Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, and thus the 14<sup>th</sup> Amendment is non-binding to affiant in affiant's capacity as the free American national.
4. Affiant states that affiant can assert affiant's absolute rights at any and every instance.
5. Affiant states that all contracts affiant has signed to procure needed health care are signed under duress.
6. Affiant states that affiant is aware that affiant's estate as an American national is seized without the due process for the common law by the unlawful corporate entities for the United States, incorporated, occupying the people's offices of power, as established under the Constitution for the united States of the Americas, ratified December 15, 1791.
7. Affiant understands that affiant's wealth as the true owner for the united States of the Americas is being unlawfully transferred through illegal contracting between state and federal actors, designed to remove affiant's absolute common law rights to the procedural due process, declared as absolute law in the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.
8. Affiant understands that the illegal contracts presume to create an illegal jurisdiction, outside and apart from the common law jurisdiction guaranteed the affiant as an American national by the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.
9. Affiant states that affiant is a cardiac patient, having endured an aortic valve replacement in 1995 as a result of a condition called endocarditis, which means that bacteria destroyed affiant's aortic valve, which had to be replaced with a prosthetic. After the operation, affiant had to attend a couple of seminars. The first involved the Coumadin therapy affiant would be on the rest of affiant's life. Affiant signed documentation not under duress that declared that affiant's cardiologist would be affiant's primary care physician for the rest of affiant's life. Affiant then attended a meeting with an oral surgeon who explained to affiant that all affiant's dental procedures would be done only by the oral surgeon for the rest of affiant's life. Affiant believes affiant even had to sign a statement saying that affiant understood and agreed.
10. For many years now affiant is denied affiant's cardiologist as affiant's primary care physician by the contracted insurance company taking the money removed from affiant's estate as an American national without the due process of the law.
11. On or about August 22, 2018, affiant had a tooth abscess. Affiant called affiant's cardiologist to order antibiotics because affiant refuses to accept any primary care physician assigned by the insurance company, Cascade Health Alliance, which has presumed a position of custody over affiant through illegal inter-governmental contracts.
12. Over the years, on a few occasions, affiant's cardiologist of twenty-three years has written letters to the Oregon Health Authority explaining that affiant needs an open medical card because affiant can't wait around for each player in this insurance scam to receive their graft. When affiant has an infection, affiant is in immediate danger.

13. Affiant is sending Zeke Smith, in his private capacity, copies of the letters affiant's cardiologist has provided to the illegal contractors. The necessity for the open medical card has never changed, but time and again, the open card has been removed and replaced by the insurance providers who have based themselves in the county affiant lives in.

14. If affiant lived in any other county in the state, this would not be the situation. The illegal corporate government of Klamath County has declared all residents without the means to buy private insurance as their corporate property.

15. On or about August 22, 2018, affiant is engaged in the phone conversation with cardiologist Dr. Brian Gross' nurse, Pam Boatwright, pertaining to Cascade Health Alliance's dictate that Dr. Brian Gross could not give affiant a referral to the oral surgeon because affiant lives in Klamath County. Affiant asked Pam Boatright, "Are you telling me that Klamath County owns me and has taken custody of my medical decisions?" To which she replied, "Yes".

16. Affiant is a free individual sovereign national in full possession of affiant's absolute Bill of the Rights for the united States of the Americas, ratified December 15, 1791. No person or corporation owns affiant and this assertion that Klamath County's Cascade Health Alliance owns affiant is putting affiant's life in danger.

17. By the dictate of Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, no authority can be created in the Constitution for the united States of the Americas, ratified December 15, 1791, to deny or disparage affiant's absolute rights.

18. When the Oregon Health Authority sent affiant the denial for the open medical card on October 27, 2016, they also sent a little packet for an administrative hearing. There is no administrative jurisdiction over an American national and the very notion is a violation of the procedural due process in the common law guaranteed the affiant by the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.

19. The Oregon Health Authority is declaring an authority that supersedes Article the 9 and 10 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, as Article the 10 prohibits to the states that which is prohibited to the Constitution for the united States of the Americas, ratified December 15, 1791, by Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.

20. Affiant knows that the illegal corporate Supreme Court has declared this seizure of affiant's person and removal of affiant's rights via these illegal contracts as constitutional. Affiant affirms that even the original Supreme Court for the Constitution for the united States of the Americas, ratified December 15, 1791, did not have the authority to define or regulate in any way the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.

21. Every American national is guaranteed the common law and there can be no authority invoked upon an American national, except by the movement of the common law court by the individual in his or her private capacity.

22. The common law courts have been removed by the federal emergency War Powers Act and various other federal emergency acts. These removals are illegal as Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, forbids any authority for the denial or disparagement of the rights. It has all been done without authority as no such authority can exist as it is forbidden by Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.

23. The Bill of the Rights for the united States of the Americas, ratified December 15, 1791, is unalienable law, which means it cannot be given away, let alone taken. The authority and the jurisdiction for the movement of the common law court is the individual American national's authority and that authority and jurisdiction can only be invoked by the American national in his or her private capacity.

**Order for the Mandamus Titled: Writ for the Mandamus for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by the Zeke Smith, 500 Summer Street NE, Salem, Oregon, in the Zeke Smith's Private Capacity**

1. In consideration of the unlawful removal of the common law courts, affiant invokes affiant's jurisdiction and authority personally, as an American national, by the authority of the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.
2. By the authority of the affiant, affiant demands that Zeke Smith, in his private capacity, obey the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.
3. By the authority of the affiant, affiant demands that Zeke Smith, in his private capacity, inform all of the illegal contractors known to Zeke Smith to be in violation of Article the 9 for the Bill of the Rights for the united States of the Americas, ratified December 15, 1791, that the affiant, Henry Shivley, presently residing at 419 Ash Street, Chiloquin, Oregon, is a free national for the united States of the Americas, and affiant has invoked affiant's rights under the Bill of the Rights for the united States of the Americas, ratified December 15, 1791.
4. Affiant, by affiant's authority, demands that affiant's cardiologist is affiant's primary care physician for the rest of affiant's life.
5. Affiant demands that in partial redress for the theft of affiant's resources and illegal contracting committed without affiant's authorization, that affiant be issued an open medical card for the rest of affiant's life.
6. This mandamus will be published and it is correct in law. The American nationals as the true owners of this nation are awakening and can see what has been done and will reinstate the original Constitution and all those involved in the corporate contracting scam will face trial. If ignored, this document will serve as prima fascia evidence of intent.
7. The statements made in this Mandamus titled: Writ for the Mandamus for the Enforcement of the Law for the Bill of the Rights, Ratified December 15, 1791, by Zeke Smith, 500 Summer Street NE, Salem, Oregon, in Zeke Smith's Private Capacity are the truth to the best of affiant's knowledge.

Affiant \_\_\_\_\_ Date \_\_\_\_\_  
Henry Shivley, free American national for the united States of the Americas

Witness \_\_\_\_\_ Date \_\_\_\_\_  
Laura Shivley, free American national for the united States of the Americas

Witness \_\_\_\_\_ Date \_\_\_\_\_  
Cameron Shivley, free American national for the united States of the Americas